

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

BUWLUS A. MUHAMMAD,	}	
Petitioner,	}	
v.	}	Civil Action No. 07-22 Erie
VENCENT KANNRINE, et al.,	}	
Respondents.	}	

**MEMORANDUM ORDER**

This petition for writ of habeas corpus was received by the Clerk of Court on February 9, 2007. The case was referred to Chief United States Magistrate Judge Susan Paradise Baxter for report and recommendation in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

The Chief Magistrate Judge's Report and Recommendation [36], filed on May 29, 2008, recommended that the Defendants' Motion to Dismiss [26] be granted and that the portion of the petition for writ of habeas corpus challenging the legality of Petitioner's detention in Erie County Prison be dismissed as moot. On June 24, 2008, this Court, having received no objections to the Chief Magistrate Judge's Report and Recommendation and having conducted a *de novo* review of the matter, entered a Memorandum Order [38] adopting the Report and Recommendation and granting the Defendants' motion to dismiss.

Petitioner then filed a motion for reconsideration indicating that he never received a copy of the Chief Magistrate Judge's Report and Recommendation due to the fact that he had been transferred to SCI Cresson on June 1, 2008. By Memorandum Order entered on July 2, 2008 [40], this Court granted the Petitioner's motion for reconsideration and vacated its original order of June 24, 2008. The Court also served the Petitioner a copy of the Report and Recommendation by certified mail

and directed that his objections to the Report and Recommendation, if any, be filed on or before July 22, 2008. To date, no objections have been filed.

AND NOW, this 18<sup>th</sup> day of August, 2008, after *de novo* review of the petition and documents in the case, together with the Report and Recommendation,

IT IS HEREBY ORDERED that the Defendants' Motion to Dismiss [26] be, and hereby is, GRANTED and that those claims challenging the legality of Petitioner's detention in Erie County Prison be dismissed as moot. In accordance with this Memorandum Order, Defendant "Marshall Bill" of the U.S. Marshal Service is hereby dismissed from this lawsuit.

IT IS FURTHER ORDERED that Petitioner's habeas claims contesting the validity of his November 2004 judgment of sentence on his state conviction of terroristic threats will be addressed once the Petitioner's pending PCRA proceeding concludes.

The Report and Recommendation of Chief Magistrate Judge Baxter, filed on May 29, 2008 [36] is adopted as the opinion of this Court.

s/ Sean J. McLaughlin

SEAN J. McLAUGHLIN  
United States District Judge

cm: All parties of record  
Chief U.S. Magistrate Judge Susan Paradise Baxter